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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11  
12 JEFFREY ALLEN MAHLE,

13 Petitioner,

14 v.

15 P.D. BRAZELTON, Warden,

16 Respondent.  
17

Case No. ED CV 13-1987 JGB (JCG)

**ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE AND  
DENYING CERTIFICATE OF  
APPEALABILITY AND EVIDENTIARY  
HEARING**

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate  
19 Judge's Report and Recommendation, and the remaining record, and has made a *de*  
20 *novo* determination. No objections to the Report and Recommendation have been  
21 filed.

22 Accordingly, IT IS ORDERED THAT:

- 23 1. The Report and Recommendation is approved and accepted;  
24 2. Judgment be entered denying the Petition and dismissing this action with  
25 prejudice; and  
26 3. The Clerk serve copies of this Order on the parties.

27 Additionally, for the reasons stated in the Report and Recommendation, the  
28 Court finds that Petitioner has not made a substantial showing of the denial of a

1 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
2 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of  
3 appealability.

4 Nor is Petitioner entitled to an evidentiary hearing. *See Cullen v. Pinholster*,  
5 131 S. Ct. 1388, 1398 (2011) (AEDPA “requires an examination of the state court-  
6 decision at the time it was made. It follows that the record under review is limited to  
7 the record in existence at that same time *i.e.*, the record before the state court.”).

8  
9 DATED: October 15, 2015

A handwritten signature in dark ink, appearing to read 'J. Bernal', is written over a horizontal line.

HON. JESUS G. BERNAL  
UNITED STATES DISTRICT JUDGE